

**Remarks**

Reconsideration of the application is respectfully requested in view of the foregoing amendments and following remarks.

**1) The Cited Art**

United States Patent No. 6,549, 768 to Fraccaroli is entitled, "Mobile Communications Matching System" [hereinafter, "Fraccaroli"]. United States Patent No. 6,587, 691 to Granstam et al. is entitled, "Method and Arrangement Relating to Mobile Telephone Communications Network" [hereinafter, "Granstam"]. United States Patent No. 6,519,463 to Tendler is entitled, "Location Based Service Request System" [hereinafter, "Tendler"].

**2) Applicant Invented the Claimed Subject Matter Prior to the Filing Date of Fraccaroli.**

Applicant invented the claimed subject matter prior to the filing date of Fraccaroli. Therefore, each of the claims rejected in view of Fraccaroli (claims 1-30) should be allowable.

Claims 1-4, 6, 8-10, 12, 14, 18, 24 and 25 of the present application ("the '170 application") stand rejected under 35 U.S.C. § 102(e) in view of Fraccaroli. Claims 5, 7, 11, 15, 22, 23 and 29 stand rejected under 35 U.S.C. § 103(a) in view of Fraccaroli and Granstam. Claim 13 stands rejected under 35 U.S.C. § 103(a) in view of Fraccaroli and Tendler. Claims 16, 17, 19-21, 26-28 and 30 stand rejected under 35 U.S.C. § 103(a) in view of Fraccaroli.

Fraccaroli has a filing date of August 24, 1999. As stated in a Declaration Under 37 C.F.R. § 1.131 of Jean Pierre De Vries ("the De Vries Declaration") filed herewith, Applicant "conceived the subject matter claimed in the '170 application in the United States prior to August 24, 1999." [See De Vries Declaration at page 1.] Also filed herewith is Exhibit A, which is a true copy of a document created by the Applicant prior to August 24, 1999. Exhibit A demonstrates ideas and concepts embodied by the claims of the '170 application. [See De Vries Declaration at page 2.] Therefore, the date of conception for the claimed subject matter precedes the filing date of Fraccaroli.

Applicant constructively reduced the claimed subject matter to practice by filing the '170 application. The '170 application was prepared with due diligence beginning prior to the filing date of Fraccaroli and continuing until the filing of the '170 application. As stated in the

Declaration Under 37 C.F.R. § 1.131 of Stephen A. Wight (“the Wight Declaration”) filed herewith, the ‘170 application was prepared “with due diligence, beginning before August 24, 1999 and continuing until the filing of the ‘170 application.” [See Wight Declaration at page 1.]

Applicant conceived the subject matter claimed in the ‘170 application prior to the filing date of Fraccaroli. Furthermore, Applicant prepared the ‘170 application with due diligence beginning prior to the publication date of the Fraccaroli reference and continuing until the filing of the ‘170 application. Therefore, each of pending claims 1-30 should be allowable under 35 U.S.C. § 102(e) and § 103(a). [See M.P.E.P. § 2138.06.]

**3) Applicant Invented the Claimed Subject Matter Prior to the Filing Date of Granstam.**

Applicant also invented the claimed subject matter prior to the filing date of Granstam. Therefore, in addition to the reasons described above, each of the claims rejected in view of Fraccaroli and Granstam (claims 5, 7, 11, 15, 22, 23 and 29) under 35 U.S.C. § 103(a) should be allowable.

Granstam has a U.S. filing date of February 25, 2000. Although Granstam claims priority to a foreign application filed on February 25, 1999, the critical date for purposes of § 102(e) is Granstam's U.S. filing date. [See M.P.E.P. § 2136.03.]

As shown in the De Vries Declaration and accompanying Exhibit A, the date of conception for the claimed subject matter precedes the U.S. filing date of Granstam. Furthermore, as shown in the Wight Declaration, Applicant constructively reduced the claimed subject matter to practice by preparing the ‘170 application with due diligence beginning prior to the publication date of the Fraccaroli reference and continuing until the filing of the ‘170 application. Therefore, in addition to the reasons described above, each of pending claims 5, 7, 11, 15, 22, 23 and 29 should be allowable under 35 U.S.C. § 103(a). [See M.P.E.P. § 2138.06.]

**4) Claims 31-33 Are Patentable over Tendler.**

Previously, the examiner rejected claims 31 and 32 under 35 U.S.C. 102(e) as being allegedly anticipated by Tendler. The examiner also rejected claims 33 under 35 U.S.C. 102(e) as being allegedly obvious in view of Tendler. Applicant respectfully disagrees. In particular, Tendler does not teach or suggest "determining based at least in part on the reported locations

which of the listed resources are within a specified proximity of the user, wherein the determining is performed by an inference engine," as recited in amended claim 31.

Tendler describes a mobile phone "having a number of service-request buttons, such that depression of the service-request button activates the phone through its bus structure to call a predetermined number and provide the identity of the caller along with the caller's location." [See Tendler at col. 4, lines 12-19.] Tendler also describes a mobile phone having a single button "to cause the phone to dial a concierge service, in which the concierge service has operators and a database" where the operator can key in the latitude and longitude of the phone and access the database of services both as to the type of service and as to the location of the closest service provider." [See Tendler at col. 4, lines 19-27.] For example, "any number of service-request buttons may be placed on the handsfree cradle such that the nearest gas station, the nearest pharmacy, or the nearest grocery store can be requested through the dialing of a separate number associated with each of the buttons." [See Tendler at col. 2, lines 49-53.] As another example, "a single 'Concierge' button is provided to enable the central dispatch office to call the appropriate service provider directly, and as an added service, pass the call through to the service provider." [See Tendler at col. 2, lines 53-57.] Using service-request buttons, the system in Tendler allows a mobile phone user to request services based on the user's geographic location. "In summary, either through a single Concierge button or with multiple specific service-request buttons, the motorists can be given the services that he or she desires due to the provision of the caller's location from a GPS receiver at the phone." [See Tendler at col. 2, lines 58-62.]

Although Tendler describes "service-request buttons" by which a mobile phone user can request services, Tendler does not teach or suggest an "inference engine" as recited in amended claim 31. For example, the application states:

The inference engine 200 is realized in software running on the server computers 104-106 (Figure 1), and utilizing the people/place information in the database 112 (Figure 1). The inference engine 200 operates to infer which resources 210 (i.e., principally people, both individuals and groups, but also locale-specific data, services, devices, and etc.) tracked by the service may be of interest to a user given that user's "place context" 220 (i.e., the user's location, but also optionally including other place-specific information such as whether the place is the user's home or place of work, etc.).

[See, e.g., Application at page 8, line 25 - page 9, line 2.]

Although Tendler describes a "central dispatch office" which "can either route the call to the appropriate service provider, or provide information back to the motorists so that the motorists can be directed to the service provider and/or the [sic] contact the service provider himself," Tendler does not teach or suggest an "inference engine." Instead, Tendler's "central dispatch office" simply uses either operators or automatic call-routing to respond to a user's service request. Since Tendler does not teach or suggest an "inference engine," Tendler is even further from suggesting "determining based at least in part on the reported locations which of the listed resources are within a specified proximity of the user, wherein the determining is performed by an inference engine," as recited in amended claim 31.

Because Tendler does not teach or suggest at least one element of claim 31, the additional patentable features of claims 32 and 33 are not belabored at this time. Claims 31-33 are allowable in their present form. Such action is respectfully requested.

**5) Applicant Has Added New Claims 34 and 35.**

Applicant has added new claims 34 and 35. Support for the new claims can be found throughout the application. The following are examples of specific portions of the application that support the respective claims:

Claim 34: page 10, lines 11-16.

Claim 35: page 10, lines 11-16.

**CONCLUSION**

The claims in their present form should now be allowable. Such action is respectfully requested.

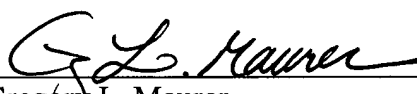
**REQUEST FOR INTERVIEW**

In view of the preceding remarks, Applicants believe the application to be allowable. If any issues remain, however, the Examiner is formally requested to contact the undersigned attorney at (503) 226-7391 prior to issuance of the next communication in order to arrange a telephonic interview.

This request is being submitted under MPEP § 713.01, which indicates that an interview may be arranged in advance by a written request.

Respectfully submitted,

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